

STATEMENT OF PURPOSE

RS27612 / S1321

The purpose of this legislation is to add language to 72-209 I.C. to clarify the intent of the Idaho Legislature with respect to the "exclusive remedy" in worker's compensation. The Idaho Supreme Court has recently noted that there is a lack of clarity as to when a claim for compensation for a workplace accident may go outside of the worker's compensation process to file a regular tort claim. The Court specifically noted that the Legislature did not define the term "willful or unprovoked physical aggression". Previously it was understood that only those claims that could demonstrate an intention to commit harm to an employee were exempt from the exclusive remedy in the worker's compensation system. The Court invited the Legislature to clarify the language of the statute. The language noted in this bill will preserve the integrity and balance of the "Grand Bargain" of worker's compensation in Idaho.

FISCAL NOTE

There is no fiscal impact to state or local government budgets. The language is only clarifying boundaries of when an individual may file a tort claim for a workplace incident.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).